

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:19-CV-00041-KDB-DCK**

DANIEL DANFORD AND)
HARRY HOUTMAN, individually and on)
behalf of all other similarly situated)
individuals,)
)
Plaintiffs,)
)
v.)
)
LOWE'S HOME CENTERS, LLC AND)
LOWE'S COMPANIES INC,)
)
Defendants.)
)

ORDER

THIS MATTER is before the Court on the Parties' Joint Motion for Stipulation of Dismissal (Doc. No. 38). Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and the stipulations of the Parties as represented in the Parties' Motion, the Stipulation of Dismissal is **GRANTED**.

It is **ORDERED, ADJUDGED, AND DECREED** that:

1. Plaintiff Harry Houtman is **DISMISSED** from this matter without prejudice.
2. Counts II, III, IV, and V of the First Amended Complaint (ECF No. 17) are **DISMISSED** with prejudice.
3. Each party is to bear its own costs in this matter related to the dismissal of Plaintiff Houtman and Counts II–V of the First Amended Complaint, subject to any rights Plaintiff Houtman may have to recover such costs as the prevailing party in arbitration.
4. Defendants' Motion to Compel Arbitration of Plaintiff Houtman's Claims (ECF No. 29) is **GRANTED**. This Court retains jurisdiction over such claims in the event post-

arbitration proceedings or enforcement is necessary.

Signed: August 2, 2019



Kenneth D. Bell
United States District Judge

